

**REGULAR MEETING**  
**Morning Session**  
**Monday, March 27, 2023**  
**Legislative Chamber**

The County Legislature of the County of Steuben convened in Regular Session in the Legislative Chambers in Bath, NY on the 27<sup>th</sup> day of March, 2023, at 10:00 a.m. and was called to order by the Chairman of the Legislature, Scott J. Van Etten.

Roll Call and all members present except Legislators Ferratella and Lando.

Mr. Swackhamer provided the Invocation and Mr. Potter led the Pledge of Allegiance.

Chairman Van Etten asked Susanne Recktenwald to come forward. Ms. Recktenwald is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Van Etten asked Jennifer MacPhail to come forward. Ms. MacPhail is an employee in the Department of Social Services. He presented her with a Certificate of Appreciation and a pin in recognition of her 25 years of service to Steuben County.

Chairman Van Etten presented Brenda Scotchmer, Clerk of the Legislature, with a Certificate of Appreciation and a key chain in recognition of her 30 years of service to Steuben County.

Mr. Caudill stated thank you for your support of the Youth in Government Program and for creating this possibility for the students to learn about what you do. He also introduced the new Coordinator of the Youth in Government Program, Wendy Allard. She had taught at Addison Central School for 28 years and spent 15 years teaching government and ACE classes. Mrs. Allard stated she has been a teacher for 28 years teaching history and government. This is a great opportunity and thank you for the opportunity to work with this program. She stated she has been learning so much about County government. Our interns are our future leaders. She stated that she had sent the Legislators an email inviting them to participate in interviews with the interns. These interviews allow the interns to ask you about your job and your journey to becoming a Legislator. If you would like to participate in the interviews, please email her back. Mrs. Allard presented the interns who each introduced themselves.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting Upon Local Law Tentatively No. Two for the Year 2023, Establishing a Sustainable Energy Loan Program (Open C-Pace) in the County of Steuben. Chairman Van Etten opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

The Clerk of the Legislature read the Official Notice of Public Hearing and submitted for filing Proof of Publication and Proof of Posting Upon Local Law Tentatively No. Three for the Year 2023, Amending Local Law No. Two for the Year 2007, Relative to Providing an Exemption for Real Property Owned by an Enrolled Volunteer Firefighter or Ambulance Worker. Chairman Van Etten opened the floor for comments by members of the public. There being none, he declared the public hearing closed.

***Motion adopting the minutes of the previous meeting made Mr. Malter, seconded by Mr. Potter and duly carried.***

**RESOLUTION NO. 052-23**

Introduced by G. Swackhamer.

Seconded by K. Fitzpatrick.

**MATTERS PERTAINING TO COUNTY REAL PROPERTY TAX SALES, CORRECTIONS OF ASSESSMENTS, PROPERTY TAXES, AND OTHER REAL PROPERTY ACQUISITIONS AND DISPOSITIONS.**

Pursuant to Section 2.07 of the Steuben County Charter.

**RESOLVED**, the Chairman of the Steuben County Legislature, in accordance with the applications filed herewith, is hereby authorized and empowered on behalf of this Legislature to execute the necessary documentation for the disposition of applications for correction of real property taxes levied on the parcels contained in Schedule "A"; and be it further

**RESOLVED**, the Steuben County Commissioner of Finance is hereby authorized to make the proper tax adjustment, and/or refund, with respect to the parcels contained in Schedule "A", as set forth in the approved applications, copies of which shall be forwarded to the taxpayer and collecting authority; and be it further

**RESOLVED**, that certified copies of this resolution contained in Schedule "A" shall be forwarded to the Director of the Steuben County Real Property Tax Service Agency and the Steuben County Commissioner of Finance, together with the approved applications executed in duplicate by the Chairman of the County Legislature, the Chairman of the Board of Assessors of the appropriate municipality, and the Clerk of the Board of Education of the appropriate School District.

**SCHEDULE "A"**

<b>Resolution No.</b>	<b>Parcel No.</b>	<b>Name</b>	<b>Municipality</b>	<b>Tax Yr(s)</b>	<b>Disposition</b>
A-1	065.00-01-006.100	Whitney, Melissa & Sick, Michael	Dansville	2023	Split
A-2	337.00-02-025.000	Shafer, Kathleen (LU)	Corning Town	2022-23	Correction of Enhanced STAR Exemption.
A-3	203.00-03-011.000	Dickson Environmental Services Inc.	Thurston	2023	Split

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 053-23**

Introduced by S. Van Etten.

Seconded by P. Van Caeselele.

**RECEIVING AND ACCEPTING THE MARCH 27, 2023 COMMUNICATIONS LOG AS PREPARED BY THE STEUBEN COUNTY MANAGER’S OFFICE.**

**BE IT RESOLVED**, that the following communications were received, accepted and filed by the County of Steuben, and referred to the appropriate Standing Committee and/or Department Head for information and/or action, to wit:

**February 21, 2023**

NYS Board on Electric Generation Siting and the Environment – Re: Ruling establishing procedural schedule and addressing other matters associated with Baron Wind’s amendment petition II and transfer petition issued and effective February 14, 2023 on the Baron Wind LLC Project (Case#15-F-0122). *Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.*

NYS Department of Transportation – Re: Notification of the (SFY 2022-2023) processed payment under the Statewide Mass Transportation Operating Assistance (STOA) program. **Referred to: Marie Myers Shearing, Planning Director; Chris Brewer, Deputy County Manager; and Brenda Scotchmer, Clerk of the Legislature.**

**February 24, 2023**

NYS Department of Environmental Conservation – Re: Public notice on the brownfield cleanup application from Norfolk Southern Railway Company for the site known as the Conrail Hornell Landfill (site #C851002) located at 6324 Ice House Road, (Town of Hornellsville) Hornell, N.Y. **Referred to: A.I.P. Committee; and Marie Myers Shearing, Planning Director.**

**February 27, 2023**

NYS Board on Electric Generation Siting and the Environment – Re: Ruling granting intervenor funding and party status issued and effective February 23, 2023 on the Baron Wind LLC Project (Case#15-F-0122). **Referred to: AIP Committee; and Marie Myers Shearing, Planning Director.**

**March 1, 2023**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$45,227, which represents the fourth quarter of 2022 (\$44,214) combined with the December 2022 (\$1,013) surcharge revenues for Steuben County. **Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.**

Western Regional Off-Track Betting Corporation – Re: Check in the amount of \$1,043, which represents the January 2023 surcharge revenues for Steuben County. **Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.**

**March 2, 2023**

Harris Beach PLLC, Attorneys at Law – Re: Steuben County Industrial Development Agency and NY Arkport Crossett Road Solar LLC amended tax agreement and amended RP-412-a form for property located at 835 Crossett Road, Town of Dansville, Steuben County, NY. **Referred to: Finance and Administration Committees; Tammy Hurd-Harvey, Commissioner of Finance; Wendy Jordan, RPTSA Director; and Jennifer Prossick, County Attorney.**

**March 6, 2023**

Western Regional Off-Track Betting Corporation – Re: (REVISED LETTER) Check in the amount of \$1,043, which represents the January 2023 surcharge revenues for Steuben County. **Referred to: Finance Committee; and Tammy Hurd-Harvey, Commissioner of Finance.**

**March 9, 2023**

NYS Homeland Security and Emergency Services – Re: Notification of being awarded \$5,846,500 under the NYS 2022 Statewide Interoperable Communications Targeted Grant Program (2022 SICG Targeted). **Referred to: Public Safety & Corrections Committee; and Tim Marshall, Public Safety Director.**

**March 13, 2023**

NYS Executive Chamber – Re: Thank you letter for the hard work on New York’s challenge to the National Broadband map. **Referred to: A.I.P. Committee; Marie Myers Shearing, Planning Director; and Jack Wheeler, County Manager.**

**March 16, 2023**

NYS Division of the Budget – Re: Notification of receipt of the SFY 2023 Raise the Age (RTA) tax cap compliance certification from Steuben County. **Referred to: Human Services/Health & Education Committee; Finance Committee; Public Safety & Corrections Committee; Kathy Muller, Commissioner of Social Services; Cheryl Crocker, Probation Director; Jennifer Prossick; County Attorney; Tammy Hurd-Harvey, Commissioner of Finance; and Jack Wheeler, County Manager.**

Mr. Mullen asked about the thank you letter relative to the work on New York’s challenge to the National Broadband map? Mr. Wheeler stated most of the work on that was done through STC (Southern Tier

Central). They worked with our GIS Coordinator and we were able to show the areas that are not being served.

**Vote: Acclamation – Adopted.**

### **RESOLUTION NO. 054-23**

Introduced by A. Mullen.

Seconded by P. Van Caesele.

### **ADOPTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2023, ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN STEUBEN COUNTY.**

**WHEREAS**, the County supports the increased use in sustainable and clean energy sources; and

**WHEREAS**, Article 5-L of New York’s General Municipal Law establishes a Municipal Sustainable Energy Loan Program, wherein loans are made available to real property owners for the installation of renewable energy systems and energy efficiency improvements; and

**WHEREAS**, in order for the County to establish a sustainable energy loan program it must pass a local law pursuant to Article 5-L of the General Municipal Law.

### **NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Legislature Local Law Tentatively No. Two for the Year 2023, Establishing a Sustainable Energy Loan Program in Steuben County.

### **COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2023**

A Local Law Establishing a Sustainable Energy Loan Program (Open C-Pace) in the County of Steuben.

Be it enacted by the Legislature of the County of Steuben as follows:

This Local Law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

### **ARTICLE I**

#### **§1. Legislative Findings, Intent and Purpose, Authority.**

It is the policy of both the County of Steuben (the “County”) and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the County and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

- A. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the County as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Steuben, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by the County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

#### **§4. Procedures for Eligibility**

- A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

#### **§5. Application Criteria**

Upon the submission of an application, EIC, acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

#### **§6. Energize NY Finance Agreement**

A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").

- A. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- B. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- C. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

## **§7. Terms and Conditions of Repayment**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the County. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the County, as provided in the Finance Agreement.

## **§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the County, in the land records for properties in the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the County.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the County, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the County, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal

Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the County, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the County, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

**§9. Verification and Report**

EIC, on behalf of the County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability** If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

**§11. Effective Date** This local law shall take effect upon filing with the Secretary of State.

**AND BE IT FURTHER RESOLVED** a Public Hearing on the within Local Law was held on March 27, 2023 at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

**RESOLVED**, the Clerk of the Legislature has caused a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, had said notice published for one insertion in the two official newspapers of the County, and caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Two for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager, Commissioner of Finance and the County Attorney.

Mr. Hanna asked will this change the assessed value of the properties? Mr. Wheeler replied it may, depending on the local assessing unit. Most of these applications would be for HVAC infrastructure, maybe rooftop solar, and that may have an impact on their assessment.

Mr. Mullen stated I think this is an unnecessary risk as far as letting these types of liens getting ahead of the County. Mr. Van Etten stated this was discussed at committee and we thought there would be a very minute chance of this happening. Mr. Wheeler explained about half of the counties in the State have done this. Tompkins County had one project that has gone through this. This is primarily for large commercial developments. Mr. Nichols asked this will not affect residential properties? Mr. Wheeler replied no, this is commercial only.

**Vote: Roll Call – Adopted. Yes – 7391; No – 954; Absent – 1013  
(No: Legislators Mullen and Swackhamer; Absent: Legislators Ferratella and Lando)**

#### **RESOLUTION NO. 055-23**

Introduced by J. Malter and B. Schu.

Seconded by J. Kuhl.

#### **ADOPTING LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2023, AMENDING LOCAL LAW NO. TWO FOR THE YEAR 2007, RELATIVE TO PROVIDING AN EXEMPTION FOR REAL PROPERTY OWNED BY AN ENROLLED VOLUNTEER FIREFIGHTER OR AMBULANCE WORKER IN AN AMOUNT OF TEN PERCENT.**

**WHEREAS**, Chapter 670 of the Law of New York, 2022 has amended the County's authority to provide this exemption by Local Law; and

**WHEREAS**, the County's Local Law No. Two for the Year 2007 had an exemption cap that is no longer valid; and

**WHEREAS**, the County's Local Law No. Two for the Year 2007 did not address the new availability of the exemption to un-remarried spouses of volunteer fire fighters and ambulance workers who died in the line of duty.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, there is hereby presented to each member of this Legislature, Local Law Tentatively No. Three for the Year 2023; amending Local Law No. Two for the Year 2007, providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker.

#### **COUNTY OF STEUBEN LOCAL LAW TENTATIVELY NO. THREE FOR THE YEAR 2023**

**A LOCAL LAW** amending Local Law No. Two for 2007, providing an exemption for real property owned by an enrolled volunteer firefighter or ambulance worker.

Be it enacted by the Legislature of the County of Steuben as follows:

**SECTION 1. Legislative Intent.** The legislature recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well-being of our communities. The legislature hereby finds that it is in the best social and economic interests of the County of Steuben to encourage volunteerism for said purposes. To that end, by providing the following exemption it is the intent to so encourage volunteerism for our various fire and ambulance companies. It is the further intent of this Local Law to provide an additional lifetime exemption for volunteers who accrue more than twenty years of service within the County of Steuben. In addition thereto, Resolution No. 004-03 "Establishing the requisite criteria for eligibility shall be superseded by this law and its content incorporated herein, all to the extent as authorized by RPTL §466-a.

**SECTION 2. Exemptions for certain volunteer firefighters and ambulance workers.**

(a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Steuben County shall be exempt from taxation to the extent of ten percent of the assessed value of such property for county purposes, exclusive of special assessments, [provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.]

(b) Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:

(i) the applicant resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(iv) the incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Steuben County Director of [Office of Emergency Services] Public Safety a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service. The Steuben County Director of [Office of Emergency Services] Public Safety shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption; and such member has been a member for at least five years.

(c) In addition thereto, any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service pursuant to Section 2b(iv) of this Local Law, who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within Steuben County.

(d) Un-remarried spouses of enrolled members of an incorporated volunteer fire company or incorporated volunteer ambulance service killed in the line of duty shall be eligible to reinstate or continue this exemption from taxation to the extent of ten percent of the assessed value of real property for county purposes, exclusive of special assessments, provided that:

(i) Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated volunteer ambulance service who was killed in the line of duty; and

(ii) Such deceased volunteer had been an enrolled member for at least five years; and

(iii) Such deceased volunteer had been receiving the exemption prior to his or her death.

[(d)] (e) Application for such exemption shall be filed with the assessor on or before the taxable status date on a form as prescribed by the state board.

[(e)] (f) No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

**SECTION 3. Effective Date.** This act shall take effect immediately and shall apply to real property having a taxable status date on or after the first day of January [2007] 2023 next succeeding the date on which this act shall have become a law.

Old material: [ ]  
New material: \_\_\_\_\_

**AND BE IT FURTHER RESOLVED**a Public Hearing on the within Local Law was held on March 27, 2023 at 10:00 A.M. in the Steuben County Legislative Chambers, 3rd Floor of the Annex Building in the Village of Bath, New York; and be it further

**RESOLVED**, the Clerk of the Legislature has caused a notice of said Public Hearing to be posted at the Courthouse in the municipality of Bath, Corning City Hall, and the DMV office in Hornell, had said notice published for one insertion in the two official newspapers of the County, and caused such posting and publication to be completed at least five (5) days prior to the date heretofore set forth for the Public Hearing, with proof of posting and publication to be filed in the Office of the Clerk of the Legislature; and be it further

**RESOLVED**, within twenty (20) days after the final adoption by this County Legislature of said County of Steuben, Local Law Tentatively No. Three for the Year 2023, the Clerk of this Legislature shall cause one certified copy thereof to be filed in the Office of the Steuben County Clerk, and one certified copy in the Office of the Secretary of State of the State of New York, and said Secretary of State is to be requested to publish the Local Law in the supplement to the Session Laws and the Steuben County Clerk is to be requested to file the Local Law in a separate book kept by her for such records; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Public Safety, County Manager and Commissioner of Finance.

Mr. Swackhamer commented it is nice to see this happening after many years of trying to get it on the books. This is well deserved and it is great to finally see this happening.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 056-23**

Introduced by G. Swackhamer.

Seconded by F. Potter.

**REQUESTING THE ADOPTION OF SENATE BILL NO. S5610 AND ASSEMBLY BILL NO. A4918 EXTENDING THE EXPIRATION DATE OF THE MORTGAGE RECORDING TAX FOR THE COUNTY OF STEUBEN.**

Pursuant to the Tax Law of the State of New York.

**WHEREAS**, Steuben County has heretofore, pursuant to Resolution No. 024-23, requested legislation from the State of New York extending Tax Law Section 253-s relative to the mortgage recording tax for the County; and

**WHEREAS**, Tax Law Section 253-s must be reauthorized; and

**WHEREAS**, Senate Bill No. S5610 and Assembly Bill No. A4918 request the amendment of Section 3 of Chapter 365 of the Laws of 2005, extending the Steuben County mortgage recording tax expiration date from December 1, 2023, to December 1, 2026; and

**WHEREAS**, the generation of such mortgage recording tax fees are essential revenues for the operation of the County.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Steuben County Legislature hereby requests the Governor and the New York State Legislature to adopt special Home Rule legislation as presented in Senate Bill No. S5610 and Assembly Bill No. A4918, extending Tax Law Section 253-s; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; and Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248.

Mr. Mullen asked what is the revenue we receive from this? Mr. Wheeler replied since your last meeting we received more updated estimates of previous collections from the County Clerk. In any given year it is between \$800,000 and \$1 million. This is the \$.25 per hundred that is voluntary on your part. Last year that equated to about \$900,000 which is pretty significant.

Mr. Van Etten stated even though I think that it is totally unfounded that if a young couple is buying their first home and they go to the bank and borrow money, they have to pay us 1.25 percent on the money that they borrowed and we are doing nothing in return for that. That does not make sense to me.

Ms. Fitzpatrick asked how much of the mortgage tax do we share this with the other municipalities? I think the concern would be that we just cannot suddenly cut it off cold turkey when other municipalities count on this money in their budget. Mr. Wheeler replied my understanding is this is your portion. There is an amount shared, but that \$900,000 that I am referencing is yours. Ms. Fitzpatrick stated if we don't move forward with this that does not affect the local municipalities? Mr. Wheeler stated my understanding is they would fall under the other 1 percent. Ms. Fitzpatrick asked would that money come to them from the State? Mr. Wheeler stated it would still be money collected and remitted by the County Clerk.

Mr. Mullen commented Chemung County's is a half a percent lower than us on their mortgage tax. If someone wants to do a project on Chemung, they are paying \$500 less per \$100,000 on a mortgage.

Mr. Van Caesele asked can we entertain a solution of either having a lower amount for first time home buyers or waiving the mortgage tax for them? Mr. Van Etten replied he had asked that probably a dozen

years ago and was told no we would not be able to do that because everyone has to be treated the same. Mr. Van Caesele asked is there some sort of exemption that we could do for first-time home buyers? Mr. Wheeler stated not an exemption, but other counties have done some other separate program for first-time buyers; so you would collect this, but have some sort of offsetting program outside of this. If you are looking for a recommendation, if everything goes through from the State budget, we are going to be in the hole about \$4 million and if we add another \$1 million to it, it is going to make things difficult. You cannot carve an exemption out of this, but you could establish some other form of local program for first time home buyers.

Mr. Nichols commented I know we talk about how Chemung does not have this, but they have a sales tax on heating oil and we do not. I don't think this is the time to do this. Mr. Wheeler stated to clarify, you would lose about a month and a half to two months of revenue for your current budget, but it certainly would impact your next budget.

Mr. Mullen asked the \$4 million that you are talking about being in the hole; how strongly do you feel that is going to materialize? Is it largely one or two programs or is it a conglomeration of things? Mr. Wheeler replied it is largely one or two programs. It is your eFMAP. If the State keeps the eFMAP funding, that is \$2.5 million that would be lost off the top. The latest we are hearing about the 18-b Assigned Counsel rates is that they are going to pass that onto the counties and that is \$500,000 to \$1 million, depending upon where the rate is set. There are also some smaller changes in DSS that would pass on another \$500,000. All of these proposals are looking more likely than we would like.

Mr. Van Etten asked was the proposal regarding tax foreclosures pulled from the budget? Mr. Wheeler replied no, but there is an indication that we are hearing in both houses that it has a better chance of not passing. The eFMAP is the big one and something will happen with the Assigned Counsel rates. He stated he is thinking we are looking at being anywhere between \$2 million and \$4 million in the hole. He noted with the Assigned Counsel rates proposal, the Senate and the Assembly's proposals both have funding included, but the Governor's proposal has the counties paying for all of it. Ms. Prossick commented the rates will either be between \$75.00 - \$125.00 per hour or \$75.00 - \$155.00 per hour.

Mr. Mullen asked what is the urgency with the mortgage tax? Could we postpone it? Mr. Wheeler replied we cannot postpone it because of how it is structured. We have heard that they pulled the sales tax extender from the budget. It is likely that these bills will go through by the end of the month.

Mr. Mullen asked will we have to adopt a local law to implement this? Mrs. Scotchmer replied if they extend it in the State session, then we will not have to do anything further.

Ms. Fitzpatrick suggested we explore removing this when we work on the budget. Trying to eliminate the tax is a great idea, but now is not the time.

Mr. Van Etten stated he would like to explore the idea of a program for first time buyers.

Mr. Malter asked are we carrying the receivables on the books for Medicaid reimbursement from the federal government? Mr. Wheeler replied correct. There is \$6 million that they are anticipating. We carry some of that as a receivable. We have decreased our Medicaid weekly share estimate. The State owes us the \$6 million. Mr. Malter asked what are the chances of us ever getting that? Mr. Wheeler stated legally I think we are entitled to it. We think we have a very strong legal argument and that may be the next phase.

**Vote: Roll Call – Adopted. Yes – 7535; No – 810; Absent – 1013  
(No: Legislator Kuhl; Absent: Legislators Ferratella and Lando)**

**RESOLUTION NO. 057-23**

Introduced by R. Nichols.

Seconded by F. Potter.

**AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH BERGMANN ENGINEERS FOR ADDITIONAL DESIGN AND RIGHT OF WAY WORK FOR THE BRIDGE NY (3) TRANSPORTATION PROJECT (PIN 6755.54) FOR THE SMITH HILL ROAD BRIDGE (BIN 2216880) REPLACEMENT OVER THE COHOCTON RIVER, TOWN OF ERWIN.**

**WHEREAS**, the Bridge NY (3) Transportation Project (PIN 6755.54) for the Smith Hill Road Bridge (BIN 2216880) over the Cohocton River, Town of Erwin ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Bridge NY Federal funds and 5% non-Federal funds; and

**WHEREAS**, the County has previously entered into an agreement with Bergmann Engineers for Design and Right of Way Incidental work for the Project; and

**WHEREAS**, due to increased NYS Department of Environmental Conservation required environmental analyses and permitting, and soil boring investigations, and NYS State Department of Transportation authorization for Right of Way Acquisition, the County desires to advance the Project by entering into a Supplemental Agreement with Bergmann Engineers for \$61,200.00 for additional Design and Right of Way work for the Project.

**NOW THEREFORE, BE IT**

**RESOLVED**, this County Legislature hereby approves the aforementioned Supplemental Agreement; and be it further

**RESOLVED**, this County Legislature hereby authorizes the County to initially pay 100% of the additional costs of the Supplemental Design and Right of Way work for the Project, with the understanding that qualified costs will be eligible for 95% reimbursement from Bridge NY funds; and be it further

**RESOLVED**, the County Manager be and is hereby authorized to execute on behalf of the County this Supplemental Agreement and all reimbursement requests for Bridge NY funding with the NYS Department of Transportation in connection with the advancement or approval of the Project; and be it further

**RESOLVED**, certified copies of this Resolution shall be filed with the Commissioner of Public Works and Bergmann Engineers ATTN: Anthony Borrelli, P.E., 280 East Broad Street Suite 200, Rochester, NY 14604.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 058-23**

Introduced by R. Nichols.

Seconded by J. Malter.

**AUTHORIZING THE IMPLEMENTATION AND INITIAL FUNDING OF 100% OF ADDITIONAL COSTS OF THE BRIDGE NY (3) TRANSPORTATION PROJECT (PIN 6755.54) FOR THE SMITH HILL ROAD BRIDGE (BIN 2216880) REPLACEMENT OVER THE COHOCTON RIVER, TOWN OF ERWIN.**

**WHEREAS**, the Bridge NY (3) Transportation Project (PIN 6755.54) for the Smith Hill Road Bridge (BIN 2216880) over the Cohocton River, Town of Erwin ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Bridge NY Federal funds and 5% non-Federal funds; and

**WHEREAS**, the County will design, let and construct the Project; and

**WHEREAS**, the County desires to advance the Project by making an initial commitment of 100% of the costs of the work for the Project or portions thereof.

**NOW THEREFORE, BE IT**

**RESOLVED**, this County Legislature, duly convened, hereby approves the Project; and be it further

**RESOLVED**, this County Legislature hereby authorizes the County to initially pay 100% of the additional costs of Design, Right of Way Incidentals and Acquisition work for the Project or portions thereof, with the understanding that qualified costs will be eligible for reimbursement from Bridge NY funds; and be it further

**RESOLVED**, the sum of \$578,200 (\$500,000 of which has been previously appropriated) is hereby appropriated and made available to cover the cost of participation in the above phase(s) of the Project; and be it further

**RESOLVED**, this County Legislature hereby agrees that the County shall be responsible for all costs of the Project which exceed the amount of Bridge NY funding awarded to the County; and be it further

**RESOLVED**, in the event the Project costs not covered by Bridge NY funding exceed the amount appropriated above, the County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

**RESOLVED**, the County hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

**RESOLVED**, the County Manager be and is hereby authorized to execute on behalf of the County all necessary agreements, certifications or reimbursement requests for Bridge NY funding with the New York State Department of Transportation in connection with the advancement or approval of the Project, and provide for the administration of the Project and County's initial funding of Project costs and permanent funding of the local share of Bridge NY eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

**RESOLVED**, certified copies of this Resolution shall be filed with the Commissioner of Public Works and the New York State Department of Transportation by attaching them to the Supplemental Agreement for Design and ROW in connection with the Project.

Mr. Van Etten stated he would like to recognize Mr. Wheeler and Mr. Brewer for the work they have done on this project. There was pushback from the Wineglass Marathon and Corning Enterprises for a replacement bridge for individuals to run across for one day. The State finally decided not to do an additional bridge at this point. Mr. Wheeler stated thank you. Really, Public Works has done a lot of the work and had to provide a lot of information to the State. We plan for the worst case scenario and we are hopeful the bridge will be done in time. Mr. Van Etten commented the bridge is right next to the Dalrymple stone quarry and the trucks will need to drive up to the Curtis Hollow Bridge.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 059-23**

Introduced by R. Nichols and G. Swackhamer.

Seconded by F. Potter.

**AUTHORIZING THE CREATION OF A CAPITAL PROJECT ENTITLED “CR129RWALL”.**

**WHEREAS**, on August 18, 2021, Tropical Storm Fred’s flood waters caused damage to a retaining wall on County Route 129 in Woodhull, NY; and

**WHEREAS**, the Department of Public Works has applied for and will receive funding from the Federal Emergency Management Association (FEMA) and New York State to reconstruct the damaged retaining wall with the anticipated amount of funding to be \$3,555,800.00; and

**WHEREAS**, the Public Works Committee and the Finance Committee authorized the Commissioner of Finance to create a Capital Project entitled “CR129RWALL”.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature authorizes the Commissioner of Finance to create the Capital Project Account entitled “CR129RWALL”; and be it further

**RESOLVED**, this Legislature, , does hereby direct the Commissioner of Finance to appropriate \$3,555,800.00 of anticipated federal FEMA funding to said capital project; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager, Commissioner of Finance and the Commissioner of Public Works.

Mr. Swackhamer asked what will be the timeframe for this project? Mr. Wheeler replied it will take a couple of years.

**Vote; Roll Call – Adopted.**

**RESOLUTION NO. 060-23**

Introduced by K. Hanna and G. Swackhamer.

Seconded by J. Malter.

**ACCEPTING AND APPROPRIATING THE STRENGTHENING U.S. PUBLIC HEALTH INFRASTRUCTURE, WORKFORCE AND DATA SYSTEMS GRANT.**

**WHEREAS**, Health Research Inc./New York State Department of Health are administering funds relative to the local health department public health infrastructure to strengthen the workforce and foundational capabilities; and

**WHEREAS**, local health departments are vulnerable to new challenges and future public health emergencies from long-standing weaknesses due to chronic underinvestment; and

**WHEREAS**, this funding will be used to strengthen the public health workforce through the hiring of public health positions, supporting retention of current staff, making upgrades to the workplace to increase employee satisfaction, provide public health training and provide public health support services to the Public Health Department; and

**WHEREAS**, Public Health & Nursing Services has been awarded a Strengthening U.S. Public Health Infrastructure, Workforce and Data Systems grant in the amount of \$617,670.00 over a 5 year grant period: December 1, 2022 through November 30, 2027 or \$123,534.00 each of the 5 grant years.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to accept \$617,670.00 as revenue and appropriate \$123,534.00 into the 2023 Public Health & Nursing Services COVID-19 Project Budget, \$123,534.00 into the 2024 Public Health & Nursing Services COVID-19 Project Budget, \$123,534.00 into the 2025 Public Health & Nursing Services COVID-19 Project Budget, \$123,534.00 into the 2026 Public Health & Nursing Services COVID-19 Project Budget, \$123,534.00 into the 2027 Public Health & Nursing Services COVID-19 Project Budget; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Public Health & Nursing Services Director and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 061-23**

Introduced by K. Hanna and G. Swackhamer.

Seconded by P. Van Caesele.

**ACCEPTING NYS OASAS OPIOID SETTLEMENT FUNDS.**

**WHEREAS**, the New York State Office of Addiction Services and Supports is awarding the Department of Community Services Opioid Settlement funding in the amount of \$585,268; and

**WHEREAS**, this funding can only be used to support the treatment and prevention of Opioid Use Disorder; and

**WHEREAS**, Steuben County is not required to provide any local funding to secure the \$585,268.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature hereby authorizes and directs the Commissioner of Finance to accept the New York State Office of Addiction Services and Supports Opioid Settlement funding on behalf of the Department of Community Services; and be it further

**RESOLVED**, the Department of Community Services attests that said funding will be used solely for treatment and prevention of Opioid Use Disorder; and be it further

**RESOLVED**, certified copies of this resolution shall be sent to the Director of the Department of Community Services and the Commissioner of Finance.

Mr. Maio stated he has an observation about this. People who sell a literal handful of opioid pills go to prison for years. If you sell billions of them, all you have to do is turn over a portion of your profits and you get off scott free. I think that sort of speaks to the skewed way we deal with the issue of drug abuse and drug addiction, and also the way we deal with people of different economic situations. Once again, it is the poorer people that bear the brunt of the enforcement, where the rich people can buy their way out of it. That is something we need to reflect on.

Mr. Mullen asked is it illegal when you sell them through a doctor's orders through a pharmacy? I think a lot of people are not thinking they are doing something illegal when they are filling a doctor's prescription.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 062-23**

Introduced by K. Hanna and G. Swackhamer.

Seconded by J. Kuhl.

**ALLOCATING \$25,000 IN NYS OASAS OPIOID SETTLEMENT FUNDS TO THE STEUBEN COUNTY PREVENTION COALITION'S OPIOID COMMITTEE.**

**WHEREAS**, Steuben County has received \$585,268 in NYS OASAS Opioid Settlement Funds, which are to be used for opioid treatment and prevention efforts; and

**WHEREAS**, the Steuben County Prevention Coalition's Opioid Committee has submitted a request for funds to enhance program services; and; and

**WHEREAS**, the Human Services, Health and Education Committee has recommended the allocation of \$25,000 from the NYS OASAS Opioid Settlement Funds to the Steuben County Prevention Coalition's Opioid Committee.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized and directed to appropriate \$25,000 from the NYS OASAS Opioid Settlement Funds as follows:

\$25,000 to Catholic Charities Steuben/Livingston (Prevention Coalition), 432200 543303

**RESOLVED**, certified copies of this resolution shall be sent to the Director of the Department of Community Services and the Commissioner of Finance.

Ms. Fitzpatrick commented part of the plan to establish the Narcan boxes in locations throughout the public is just a back door way to legalize drugs that are illegal. I don't like this approach and I wish we could do something different to identify the problem and solve the problem. Mr. Van Etten commented I agree on the point of providing syringes to users to prevent diseases that are transferred by reusing needles. To me it feels like you are enabling people to do drugs, but the experts think you are minimizing the impact. Ms. Fitzpatrick stated the truth is with the hypodermic needles is that they are laying in people's front lawns, they are being flushed down toilets, they are in dumpsters. There is not a level of responsibility that is required with it. I guess I understand it as there are people that are not responsible, but at some point the rest of us have to put our foot down and say that if you want clean needles, here you are, but here is a safe, secure box to put them in when you are done and turn them in. That is not what happens. So I visualize these Narcan boxes as people enabling Narcan parties where they go out and do their drugs and they can just run down the street and grab a dose of Narcan and not have to worry about the consequences of bad actions. At the other meeting I had suggested putting little cameras on those boxes to see if you have habitual people coming in and grabbing those doses of Narcan out of those boxes. The thought process from other people is they don't care who is taking them as long as it is saving a life. My concern is the life it doesn't save when it is someone who picks up garbage off the ground that is laced with something and they overdose and you run to one of those boxes and it is empty.

Mr. Van Etten stated the last resolution we approved \$580,000 in opioid settlement funds which is paid over a number of years and this resolution approves giving \$25,000 to the Opioid Committee. I think as Ms. Fitzpatrick stated in committee, this is merely scratching the surface of what we should be funding. In my opinion, the sooner we can educate children on the dangers, that is the best money spent. We need to educate against the use of drugs at an early age and we need to spend a lot more money and appropriate that to the agencies that can do that. Ms. Fitzpatrick stated she told the presenters at the Human Services, Health & Education Committee the very same thing. I will continue to ask for information on how many doses of Narcan we are bringing in.

Mr. Mullen stated I am okay with the \$25,000 going to the Opioid Committee and I would like to not see them use it for Narcan. We are talking about two different issues. Ms. Fitzpatrick stated the one component of their plan is that they will be buying Narcan boxes. Mr. Van Etten stated they already submitted their plan for the use of the funds.

Mr. Malter commented they have already distributed Narcan boxes. This is for additional money for that as well as several other programs, but \$25,000 is not enough.

Mr. Van Etten stated in the other meetings we have had, a lot of the opioid settlement funds were allocated to Mental Health. I think that is too late and we have to catch kids early in my opinion, and we need to push the money closer to the schools.

Mr. Horton commented that in the committee he had voted in favor, but they did not say they were buying Narcan boxes. If the presentation had said that, then I would have voted no. Mr. Van Etten stated they made their presentation to committee and you should have pushed back then. We can tailor their requests in the future.

**Vote: Roll Call – Adopted. Yes – 7203; No – 1142; Absent – 1013  
(No: Legislators Fitzpatrick and Pelham)**

### **RESOLUTION NO. 063-23**

Introduced by J. Malter.

Seconded by K. Fitzpatrick.

#### **ACCEPTING THE HIGH VISIBILITY ENGAGEMENT CAMPAIGN AWARD.**

**WHEREAS**, New York State is awarding Steuben County \$17,500 under the STOP-DWI High Visibility Engagement Campaign, formerly known as the STOP-DWI Crackdown Grant; and

**WHEREAS**, it has been established that these funds will be used for Road Check STOP-DWI High Visibility Enforcements along with Bath Police Department, Cohocton Police Department, Canisteo Police Department, Hornell Police Department, Hammondsport Police Department, Wayland Police Department and Corning Police Department.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance be and the same hereby is authorized and directed to accept \$17,500 revenue, and appropriate \$2,880 to 331100-519000 DWICRKDWN and \$14,620 to 331100-5443369 DWICRKDWN; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Sheriff.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 064-23**

Introduced by B. Schu.

Seconded by P. Van Caesele.

**RATIFYING THE ACTIONS OF THE RISK MANAGER RELATIVE TO THE REDUCTION IN APPORTIONMENT FOR CERTAIN PARTICIPANTS IN THE COUNTY'S 2022 WORKERS' COMPENSATION PLAN.**

**WHEREAS**, on July 26, 2021, pursuant to §67 of the NYS Workers' Compensation Law, the Steuben County Legislature adopted the 2022 Workers' Compensation Table of Apportionment based upon the estimated cost of the 2022 Steuben County Self-Insurance Workers' Compensation Plan Budget; and

**WHEREAS**, adjustments in experience modification factors and/or reductions in payroll, loss history and other factors which occurred in the Towns of Caton and Wayland, and the Village of Bath, were not taken into account when the 2022 Table of Apportionment was presented to and adopted by the Steuben County Legislature; and

**WHEREAS**, the Steuben County Risk Manager authorized the Towns of Caton and Wayland and the Village of Bath to pay amounts reflective of those municipalities changes in the above-referenced factors; and

**WHEREAS**, the amounts authorized by the Risk Manager resulted in \$33,250 less being collected by the Commissioner of Finance from plan participants for the 2022 Workers' Compensation Plan; and

**WHEREAS**, the Commissioner of Finance, pursuant to §72 of the NYS Workers' Compensation Law, is required to file an annual financial report of the Workers' Compensation Plan with the NYS Comptroller; and

**WHEREAS**, it is necessary to document the reason for the discrepancy between the approved and filed 2022 Table of Apportionment and the amount collected from the plan participants.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature hereby ratifies the action by the Risk Manager to reduce the apportionment amount paid by the Towns of Caton and Wayland, and the Village of Bath based upon their changes in experience modification factors and/or reductions in payroll, loss history and other factors as follows:

<u>Municipality</u>	<u>2022 Apportionment Amount</u>	<u>2022 Amended Amount (Collected)</u>
Caton Town	\$26,250	\$24,000
Wayland Town	\$20,000	\$15,000
Bath Village	\$168,000	\$142,000

**AND BE IT FURTHER RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Finance and the Risk Manager.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 065-23**

Introduced by G. Swackhamer.

Seconded by F. Potter.

**AMENDING RESOLUTION 178-22 TO REFLECT THE CORRECT APPROPRIATION OF UNRESTRICTED ARPA FUNDS TO THE CAPITAL PROJECT ENTITLED 'HIGHWAY SHOP CONSTRUCTION – ARPA'.**

**WHEREAS**, the Ad Hoc Office Space Committee authorized the County Manager to solicit bids for the three highway shop construction projects; and

**WHEREAS**, the bids for the Highway Shop Construction Project have been awarded by the County Legislature with Resolutions 165-22 and 177-22; and

**WHEREAS**, the County Legislature allocated \$8 million in unrestricted ARPA funds and \$500,000 in restricted ARPA funds for this project, with Resolution 178-22; and

**WHEREAS**, Resolution 256-21 appropriated \$250,000 of unrestricted ARPA dollars for the engineering and design work related to this project; and

**WHEREAS**, the Finance Committee has recommended amending Resolution 178-22 to reflect the total amounts allocated to this Capital Project.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby amend Resolution 178-22 to appropriate \$500,000 of restricted ARPA funds and \$8,250,000 of unrestricted ARPA funds to the Highway Shop Construction – ARPA capital project; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager, Commissioner of Public Works and Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 066-23**

Introduced by R. Nichols.

Seconded by K. Fitzpatrick.

**WAIVING THE ESTABLISHED TIP FEES FOR ROADSIDE CLEANUP WEEKS FOR LOCAL MUNICIPALITIES.**

Pursuant to Article 5 of the County Law of the State of New York.

**WHEREAS**, the County operates a mixed municipal solid waste landfill in the Town of Bath; and

**WHEREAS**, the County recognizes that the Cities, Villages and Towns collect garbage and tires along the streets and roadways in an effort to keep their communities clean; and

**WHEREAS**, the current tip fees at the landfill are \$44.00/ton for garbage, bulk loads; \$200.00/ton for passenger vehicle tires up to 20" and \$300.00/ton for large truck and tractor tires; and

**WHEREAS**, the Public Works Committee desires to assist these local municipalities by waiving the posted tip fees for the disposal of 20 tons of garbage and 10 tons of tires for a two (2) week period each year; and

**WHEREAS**, the waiver is for road side debris that is collected during routine maintenance activities; and

**WHEREAS**, the Public Works Committee has directed the Commissioner of Public Works to establish guidelines for participation in the Roadside Cleanup Weeks.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby authorize the Commissioner of Public Works to waive posted tip fees for the disposal of garbage, bulk loads and tires and forward the guidelines for the Roadside Cleanup Weeks to all Cities, Villages and Towns; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 067-23**

Introduced by R. Nichols.

Seconded by J. Malter.

**AUTHORIZING A TIRE AMNESTY WEEK AND ESTABLISHING AN EVENT RECYCLE FEE.**

Pursuant to Article 5 of the County Law of the State of New York.

**WHEREAS**, the Solid Waste Division (Division) provides an ongoing tire recycling program for the residents and businesses of Steuben County; and

**WHEREAS**, the established recycle fee for tires is \$3.00 per passenger vehicle tire; and

**WHEREAS**, residents expressed concerns that there continues to be an abundance of abandoned tires on properties located within Steuben County; and

**WHEREAS**, a tire amnesty event would assist with the cleanup of abandoned tires; and

**WHEREAS**, the Public Works Committee recommends that the Division provide one (1) week each year for a tire amnesty event at the landfill, appropriately named “**Tire Dollar Days**”; and

**WHEREAS**, “**Tire Dollar Days**” is for the recycling of passenger vehicle tires only; normal posted recycle fees apply to large commercial, construction and agricultural tires; and

**WHEREAS**, the Public Works Committee has established the recycle fee of \$1.00 per tire for passenger vehicle tires delivered to the Bath landfill during “**Tire Dollar Days**”.

**NOW THEREFORE, BE IT**

**RESOLVED**, this Legislature does hereby authorize the Commissioner of Public Works to host “**Tire Dollar Days**” for one (1) week each year for the recycling of passenger vehicle tires at the landfill and has established a \$1.00 per tire recycle fee for that one week only; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioner of Public Works.

Mr. Swackhamer stated back when we used to have the local transfer stations take the tires, we did a great job getting excess tires off properties, side of the roads, etc. I did a little figuring for this; if you have to drive 25 miles over to the Landfill and back at a rate of \$3.50 per gallon for fuel, you have spent \$7.00 on gas in addition to \$4 for four tires, so you are spending \$11 to bring tires to the Landfill. How is that helping my voters to get rid of tires? I would suggest that the Public Works Committee looking at bringing back tire amnesty days to the transfer stations.

Mr. Rose stated some of the reason it is at the Landfill is that DEC (Department of Environmental Conservation) does not want us storing an abundance of tires at the transfer stations and then trucking them back to the Landfill. We can look into it.

Mr. Van Etten stated last year they collected 15,000 tires so it is still a successful program.

Mr. Rose commented we were getting quite a bit of pushback from DEC on what was being stored at the transfer stations and then hauled over.

Mr. Mullen asked do you store tires at the transfer stations? Mr. Rose replied we do, but it is a small amount. Mr. Mullen asked how long were the tires stored at the transfer stations? Mr. Rose replied I am not sure, but a DEC representative comes out fairly frequently.

Mr. Malter stated there would be additional expenses that we would incur at each of the transfer stations if we did the collections at every location; we would need additional staff and equipment. Is it worth it? Mr. Rose replied that is another angle to look at.

Mr. Swackhamer stated you are not cutting expenses for my voters. Mr. Rose stated we can look into it.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 068-23**

Introduced by K. Hanna and G. Swackhamer.

Seconded by F. Potter.

#### **AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A CONTRACT WITH PRACADEMIC PARTNERS.**

**WHEREAS**, Pracademic Partners has the knowledge and expertise to provide recruiting services relative to the Director of the Office of Community Services; and

**WHEREAS**, the Human Services, Health and Education Committee authorized the County Manager to enter into this contract on March 1<sup>st</sup>, 2023.

#### **NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is hereby authorized to enter into a contract with Pracademic Partners in an amount not to exceed \$15,000; and be it further

**RESOLVED**, the contract is subject to the approval of the County Attorney; and be it further

**RESOLVED**, certified copies shall be sent to the County Manager, the Personnel Officer, and the County Attorney.

Mr. Mullen asked what is this for? Mr. Wheeler replied this is for recruiting services to help with the recruitment for the Director of Community Services. This is a specialized position and we could use some help with recruitment. We are getting some good leads so far.

**Vote: Roll Call – Adopted.**

### **RESOLUTION NO. 069-23**

Introduced by K. Hanna and G. Swackhamer.

Seconded by P. Van Caesele.

#### **AUTHORIZING A CONTINGENT FUND TRANSFER OF \$15,000 TO THE COUNTY MANAGER'S 2023 BUDGET.**

**WHEREAS**, the County Manager has been authorized to execute a contract with Pracademic Partners; and

**WHEREAS**, this contract is not to exceed \$15,000; and

**WHEREAS**, Pracademic Partners will provide recruiting services relative to the Director of the Office of Community Services; and

**WHEREAS**, the Finance Committee authorized the Commissioner of Finance to transfer these funds on March 14<sup>th</sup>, 2023.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Finance is hereby authorized to transfer \$15,000 from the Contingent Fund (198900-549800) to County Manager-Consultants-Professionals (123000-542300), and be it further

**RESOLVED**, certified copies shall be sent to the County Manager and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 070-23**

Introduced by A. Mullen.

Seconded by P. Van Caesele.

**AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A PARTNERSHIP AGREEMENT WITH CPACE – EIC.**

**WHEREAS**, EIC has established a sustainable energy financing program pursuant to the Enabling Act through which member municipalities, including Steuben County, may levy charges against Qualified Properties within Steuben County for the purpose of promoting, facilitating and financing clean energy improvements to Qualified Properties, thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government; and

**WHEREAS**, Steuben County has adopted Local Law Tentatively No. Two for the Year 2023, authorizing the provision of financing through Open C-PACE to Qualified Properties within its geographical boundaries and has authorized EIC to act on its behalf to effectuate Open C-PACE within Steuben County; and

**WHEREAS**, the Finance Committee authorized the County Manager to enter into this partnership agreement on March 14<sup>th</sup>, 2023.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager is hereby authorized to enter into a partnership agreement with Energy Improvement Corporation (EIC) upon the filing of Local Law Tentatively No. Two for the Year 2023 with the Secretary of State; and be it further

**RESOLVED**, the partnership agreement is subject to the approval of the County Attorney; and be it further

**RESOLVED**, certified copies shall be sent to the County Manager, the Commissioner of Finance, and the County Attorney.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 071-23**

Introduced by B. Schu.

Seconded by J. Malter.

**AUTHORIZING THE EXECUTION OF PERMANENT EASEMENTS TO NEW YORK STATE ELECTRIC & GAS CORPORATION.**

**WHEREAS**, the County owns real property in the Town of Bath identified as Tax Map No.: 144.00-02-009.111; and

**WHEREAS**, New York State Electric & Gas Corporation (“NYSEG”) has notified the County that in order for the County to proceed with its’ project at the Mount Washington Highway Shop, NYSEG needs to install a padmounted transformer and relocate an electric pole presently owned by the County at the aforementioned location identified as lands at Tax Map No.: 144.00-02-009.11; and

**WHEREAS**, after review of said request by NYSEG it has been determined that the amount of real property requested by NYSEG from the County is not needed by the County for a public purpose.

**NOW THEREFORE, BE IT**

**RESOLVED**, the County Manager shall and is hereby authorized and directed to execute the Permanent Easements to NYSEG as set forth herein; and be it further

**RESOLVED**, a certified copy of the resolution shall be forwarded to the County Manager, County Attorney, and Commissioner of Public Works.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 072-23**

Introduced by B. Schu.

Seconded by J. Kuhl.

**AUTHORIZING THE COUNTY MANAGER TO SIGN THE NATIONAL OPIOID SETTLEMENT AGREEMENT FOR CVS, WALGREENS AND WAL-MART.**

**WHEREAS**, the County has recently been made aware that National Opioid settlements for which the County can participate in receiving funding has been had with CVS, Walgreens and Wal-Mart; and

**WHEREAS**, in order to participate in these settlements the County must have the [attached documents](#) signed by April 18, 2023; and

**WHEREAS**, it is in the County’s best interest to execute these settlements so it can receive additional funding to fight the Opioid Epidemic.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County Manager is hereby authorized to execute these settlement agreements; and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Commissioner of Finance, the County Manager and the County Attorney.

Mr. Mullen stated I was looking at the settlement agreement and it was broken down into schedules for different counties. I was thinking perhaps in the future it might be good to have someone on our behalf watching how those numbers are allocated. Ms. Prossick replied they are allocated based on population.

Mr. Mullen stated one of the things that we are able to do in there is address the needs of pregnant or parenting woman and their families, including babies with neonatal absence syndrome and I would like to see if we could look into allocating a portion of that for that purpose.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 073-23**

Introduced by K. Hanna and B. Schu.

Seconded by R. Nichols.

**AUTHORIZING THE RECLASSIFICATION OF ONE VACANT SENIOR CLERK POSITION, CSEA GRADE D TO ONE SENIOR TYPIST POSITION, CSEA GRADE F, WITHIN PUBLIC HEALTH AND NURSING SERVICES.**

Pursuant to Section 204 of the County Law of the State of New York.

**WHEREAS**, this Senior Clerk position in Public Health and Nursing Services is needed to perform Senior Typist position duties; and

**WHEREAS**, the Senior Typist position will have added leeway permitted in determining the scope of work to be performed, greater scope of freedom and independence of judgment and action allowed in completing assigned duties, as well as other duties related to the trade; and

**WHEREAS**, the Human Services, Health and Education Committee, Personnel Officer, and Administration Committee have reviewed said position within Public Health and Nursing Services that requires a job title change and have approved the recommended change.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following position in Public Health and Nursing Services is hereby reclassified as follows:

One (1) Vacant Senior Clerk Position, Grade D (\$32,414 - \$47,947), to  
One (1) Senior Typist Position, Grade F, (\$35,736 - \$52,861).

**AND BE IT FURTHER RESOLVED**, the 2023 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Personnel Officer, the Director of Public Health and Nursing Services, and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 074-23**

Introduced by J. Malter and B. Schu.

Seconded by K. Fitzpatrick.

**AUTHORIZING THE RECLASSIFICATION OF TWO CURRENTLY FILLED DEPUTY SHERIFF CORPORAL POSITIONS, GRADE 12 TO TWO DEPUTY SHERIFF SERGEANT POSITIONS, GRADE 13, WITHIN THE SHERIFF'S OFFICE.**

Pursuant to Section 204 of the County Law of the State of New York.

**WHEREAS**, these Deputy Sheriff Corporal positions in the Sheriff's Office are needed to perform a Deputy Sheriff Sergeant position duties; and

**WHEREAS**, the Deputy Sheriff Sergeant positions will have added duties with investigating employee complaints, as well as other duties related to the position; and

**WHEREAS**, the Public Safety and Corrections Committee, Personnel Officer, and Administration Committee have reviewed said positions within the Sheriff's Office that requires a job title change and have approved the recommended change.

**NOW THEREFORE, BE IT**

**RESOLVED**, effective with the adoption of this resolution, the following positions in the Sheriff's Office are hereby reclassified as follows:

Two (2) Deputy Sheriff Corporal Positions, Grade 12 (\$64,726), to  
Two (2) Deputy Sheriff Sergeant Positions, Grade 13, (\$67,917).

**AND BE IT FURTHER RESOLVED**, the 2023 County Job Classification and Salary Schedule is hereby amended to reflect the above stated changes; and be it further

**RESOLVED**, a certified copy of this resolution shall be forwarded to the Personnel Officer, Sheriff, and the Commissioner of Finance.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 075-23**

Introduced by J. Malter and B. Schu.

Seconded by K. Fitzpatrick.

**WAIVING RULE 16B AND AUTHORIZING THE CREATION OF AN EMERGENCY MEDICAL SERVICES COORDINATOR IN THE DEPARTMENT OF EMERGENCY SERVICES.**

**WHEREAS**, the County of Steuben is desirous of assisting local agencies with the provision of emergency medical services; and

**WHEREAS**, the Public Safety and Corrections Committee held a number of meetings with emergency medical services providers and stakeholders to discuss current services, needs and hurdles; and

**WHEREAS**, the emergency medical services providers and stakeholders indicated that training and recertification for EMT's and Paramedics is often difficult to procure and is cost prohibitive for volunteers; and

**WHEREAS**, the Public Safety and Corrections Committee directed the Director of Public Safety, in conjunction with the Personnel Officer, to develop job specifications for an individual to, in part, oversee the training and education for volunteer emergency medical services providers; and

**WHEREAS**, the Director of Public Safety is requesting a 16B waiver to create one (1) Emergency Medical Services Coordinator position, Grade Q; and

**WHEREAS**, funding is available in the 2023 budget; and

**WHEREAS**, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid positions as a result of said request not having been anticipated for the year 2023.

**NOW THEREFORE, BE IT**

**RESOLVED**, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

**RESOLVED**, the following position is hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<b><u>Office of Emergency Services</u></b>			
Emergency Medical Services Coordinator, Full-time	1	Q	\$61,120 - \$90,411 (Main Unit)

**AND BE IT FURTHER RESOLVED**, certified copies of this resolution shall be forwarded to the Director of Public Safety, Commissioner of Finance and the Personnel Officer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 076-23**

Introduced by B. Schu.

Seconded by P. Van Caesele.

**WAIVING RULE 16B AND AUTHORIZING THE CREATION OF TWO FULL-TIME SENIOR CLERK POSITIONS, MANAGEMENT GRADE B WITHIN THE BOARD OF ELECTIONS.**

**WHEREAS**, changes in Election Law and an increased workload placed upon the office necessitates additional staffing; and

**WHEREAS**, the Commissioners of the Board of Elections are requesting a 16B waiver to create two (2) Senior Clerk positions, Management Grade B; and

**WHEREAS**, the funding for said positions is available in the 2023 budget; and

**WHEREAS**, Rule 16B of the *Rules of Procedure* of the County Legislature requires an extraordinary majority to create the aforesaid positions as a result of said request not having been anticipated for the year 2023.

**NOW THEREFORE, BE IT**

**RESOLVED**, Rule 16B of the *Rules of Procedure* be and the same hereby is waived; and be it further

**RESOLVED**, the following positions are hereby created and funded for the denoted department:

<u>Department/Position</u>	<u>Quantity</u>	<u>Grade</u>	<u>Salary</u>
<b><u>Board of Elections</u></b>			
Senior Clerk, Full-time	2	B (Mgmt.)	\$33,421 - \$52,275

**AND BE IT FURTHER RESOLVED**, certified copies of this resolution shall be forwarded to the Commissioners of the Board of Elections, Commissioner of Finance and the Personnel Officer.

**Vote: Roll Call – Adopted.**

**RESOLUTION NO. 077-23**

**APPOINTING MEMBERS TO THE STEUBEN COUNTY FIRE ADVISORY BOARD.**

Pursuant to Section 12.20 of the Steuben County Charter and Section 225-a of the County Law of the State of New York.

**RESOLVED**, the following persons are hereby appointed members of the Steuben County Fire Advisory Board for a term of two (2) years, commencing January 1, 2023 and ending December 31, 2024:

**LEGISLATIVE MEMBERS**

1. Kelly H. Fitzpatrick, 6342 Robie Road, Savona, NY 14879

**NON-LEGISLATIVE MEMBERS**

2. John Ford, 58 Maple Street, Addison, NY 14801
3. Frank Brzozowski, 108 Broadway, Hornell, NY 14843
4. William Todd, 226 Main Street, Painted Post, NY 14870
5. Joseph Dick, 306 First Street, Hornell, NY 14843
6. David M. Sereno, 4691 Colvin Hill Road, Woodhull, NY 14898
7. Brad Davies, 1 Civic Center Plaza, Corning, NY 14830
8. Douglas Heinemann, 8425 Jacobs Ladder Road, Avoca, NY 14809
9. Brian McCarthy, 3824 West Hill Road, Painted Post, NY 14870
10. William Waggoner, PO Box 243, Cohocton, NY 14826
11. Evan Brown, DFC, 5 Swan Lane, Painted Post, NY 14870
12. Ken LeCrone, PO Box 87, Troupsburg, NY 14885
13. Larry Day, 9623 County Route 87, Hammondsport, NY 14840
14. Dan Hulbert, 8813 State Route 36, Arkport, NY 14807
15. William Fries, Chief DFC, 7344 Fish Hatchery Road, Bath, NY 14810
16. Donald Fredericy, DFC, 27 East Avenue, Wayland, NY 14572
17. Michael Wilson, DFC, 307 Grand Street, Hornell, NY 14843
18. Timothy Martin, DFC, 6300 CR 100, Addison, NY 14801
19. Glen Miller, 11 South Fowler Street, Bath, NY 14810
20. James Webster, Bath VA, 76 Veterans Avenue, Bath, NY 14810
21. Jeffrey O'Neil, 307 Granger Road, Wayland, NY 14572

**EX-OFFICIO MEMBERS**

22. Timothy D. Marshall, Director of Public Safety, Bath, NY 14810
23. Kenneth Forenz, Deputy Director, Emergency Services, Bath, NY 14810
24. Ed Fitzpatrick, Fire Service Aide, Emergency Management Office, Bath, NY 14810
25. Tina Goodwin, Deputy Director, E-911, Bath, NY 14810

**BE IT FURTHER RESOLVED**, members shall serve without compensation except for necessary expenses upon presentation of receipts, related to the fulfillment of their duties on the Fire Advisory Board; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the above-named appointees, the County Auditor and the Director of Public Safety.

**Vote: Acclamation – Adopted.**

**RESOLUTION NO. 078-23**

**URGING THE GOVERNOR AND NYS PUBLIC SERVICE COMMISSION TO DISMISS THE NYSEG RATE HIKE REQUEST AND TO CORRECT THE BILLING PROBLEMS BEFORE RATE HIKES ARE CONSIDERED.**

**WHEREAS**, Steuben County residents are served by NYSEG; and

**WHEREAS**, NYSEG has requested a 34.9% rate increase for electric and 14.9% for gas customers which together would result in an annual bill increase of approximately \$240 for the average residential customer; and

**WHEREAS**, Governor Hochul called NYSEG's rate hike request "outrageous and unacceptable" and urged the Department of Public Service (DPS) to "scrutinize every number and word of this proposal to protect New York families from unjustified and unfair rate increases", and

**WHEREAS**, DPS staff experts have reviewed the NYSEG rate filings, and as documented in public records, testified to the many deficiencies and errors contained in those filings; and

**WHEREAS**, DPS staff indicated NYSEG has been vague and non-responsive to their questions; noting that this is the second successive rate filing in which these issues have occurred and similar problems were noted in a 2016 management audit as well; and

**WHEREAS**, State regulations governing rate proceedings (16 NYCRR §61) require NYSEG to provide competent testimony with detailed financial justification that is neither speculative or conjectural to support their rate requests, but have failed to do so; and

**WHEREAS**, the NYS Public Service Commission is undertaking an investigation of the billing practices of NYSEG due to the number of consumer complaints, which have skyrocketed to more than 4,700 in 2022, 60% more than the two previous years combined; and

**WHEREAS**, the billing problems as well as the inadequacies of the rate filings call into question the administrative competence of this monopoly utility and public trust has eroded.

**NOW THEREFORE, BE IT**

**RESOLVED**, the Steuben County Legislature calls upon the NYS Public Service Commission and Governor Hochul to dismiss the NYSEG rate increase request and to protect the public interest by making sure NYSEG gets their billing straightened out and submit a proper, detailed rate filing before substantive rate hikes are even considered; and further be it

**RESOLVED**, certified copies of this resolution shall be forwarded to Honorable Kathy Hochul, New York State Governor, New York State Capitol Building, Albany, NY 12224; Honorable Andrea Stewart-Cousins, NYS Senate Majority Leader, 907 Legislative Office Building, Albany, NY 12247; Honorable Robert G. Ort, NYS Senate Minority Leader, Capitol Building, Room 315, Albany, NY 12247; Honorable Carl E. Heastie, Speaker, New York State Assembly, 932 Legislative Office Building, Albany, NY 12248; Honorable Crystal D. Peoples-Stokes, NYS Assembly Majority Leader, 926 Legislative Office Building, Albany, NY 12248; Honorable William A. Barclay, NYS Assembly Minority Leader, 933 Legislative Office Building, Albany, NY 12248; Honorable Thomas M. O'Mara, New York State Senator, 406 Legislative Office Building, Albany, NY 12247; Honorable Philip A. Palmesano, New York State Assemblyman, 448 Legislative Office Building, Albany, NY 12248; Honorable Joseph M. Giglio, New York State Assemblyman, 525 Legislative Office Building, Albany, NY 12248; and Honorable Marjorie Byrnes, New York State Assemblywoman, 723 Legislative Office Building, Albany, NY 12248; Rory Christian, Chair and CEO, New York State Public Service Commission, Agency Building 3, Empire State Plaza, Albany, NY 12223-1350; and to Michelle Phillips, Secretary to the Commission, New York State Public Service Commission, Agency Building 3, Empire State Plaza,

Albany, NY 12223-1350 with a request to file this resolution with the following Cases: 22-E-0317, 22-G-0318, 22-E-0319, 22-G-0320.

Mr. Van Etten stated 34.9 percent rate increase for electric and 14.9 percent for gas. We pay some of the highest utilities in the country right now. Mr. Mullen commented those prices will only go up when we cannot use gas anymore.

**Vote: Acclamation – Adopted.**

*Motion to Adjourn Regular Session and Reconvene in Executive Session Pursuant to Public Officers’ Law, Article 7§ 105.1.E. Collective Negotiations Pursuant to Article Fourteen of the Civil Service Law made by Mr. Swackhamer, seconded by Mr. Potter and duly carried.*

*Motion to Adjourn Executive Session and Reconvene in Regular Session made by Mr. Malter, seconded by Ms. Fitzpatrick and duly carried.*

**RESOLUTION NO. 079-23**

Introduced by B. Schu.

Seconded by J. Malter.

**AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE STEUBEN COUNTY CSEA CORRECTION OFFICERS, DISPATCHERS AND COURT SECURITY OFFICERS UNIT.**

**WHEREAS**, both the County of Steuben and the Steuben County Local #851 of the Civil Service Employees’ Association, Inc. (CSEA Correction Officers, Dispatchers and Court Security Officers Unit) desire to memorialize and implement a change to the current CBA; and

**WHEREAS**, both the County of Steuben and the Steuben County Local #851 of the Civil Service Employees’ Association, Inc. (CSEA Correction Officers, Dispatchers and Court Security Officers Unit) believe it is in their best interest to ratify this Memorandum of Agreement; and

**WHEREAS**, the Steuben County Manager, the Steuben County Sheriff, and the Steuben County Personnel Officer have reviewed and recommended the proposed changes; and

**WHEREAS**, the Steuben County Local #851 of the Civil Service Employees’ Association, Inc. (CSEA Correction Officers, Dispatchers and Court Security Officers Unit) has accepted this Amendment.

**NOW THEREFORE, BE IT**

**RESOLVED**, the proposed changes in the current contract contained in the Proposed Memorandum of Agreement between Steuben County and the Steuben County Local #851 of the Civil Service Employees’ Association, Inc. (CSEA Correction Officers, Dispatchers and Court Security Officers Unit) of the County of Steuben is hereby approved; and be it further

**RESOLVED**, the above referenced changes are effective upon signing of the attached Memorandum; and be it further

**RESOLVED**, certified copies of this resolution shall be forwarded to the County Manager; County Attorney; Personnel Officer; Commissioner of Finance; and James Towner, Unit President Steuben County Local #851 of the Civil Service Employees’ Association, Inc. (CSEA Correction Officers, Dispatchers and Court Security Officers Unit).

**MEMORANDUM OF AGREEMENT**

*By and Between the  
County of Steuben  
(hereinafter referred to as “County”)*

*And the  
Steuben County Sheriff  
(hereinafter referred to as the “Sheriff”)*

*And the  
The CSEA, Inc., Local 1000, AFL-CIO,  
Steuben Correction Officers, Dispatchers, and Court Security Officers Unit  
(hereinafter referred to as “Union”)*

**WHEREAS**, the County, the Sheriff’s Office (collectively referred to as the “Employer”), and the Union are parties to a Collective Bargaining Agreement (the “Agreement”) for a term which expires on December 31, 2025; and

**WHEREAS**, the Employer and the Union engaged in collective bargaining, which led to that Agreement; and

**WHEREAS**, that Agreement was a memorialization of a July 5, 2022 Memorandum of Agreement between the parties regarding the terms and conditions of employment agreed to through collective bargaining.

**WHEREAS**, following execution of the Agreement, the parties realized that the wording of Article XVIII, Section 4 was different in the Agreement from the July 5, 2022 Memorandum of Agreement; and

**WHEREAS**, the parties have discussed this issue and agreed to resolve it herein.

**NOW THEREFORE**, the Employer and the Union agree as follows:

1. **Article XVIII, Section 4**, shall be amended to read as follows:

All employees shall be paid an additional two dollars (\$2.00) per hour for work actually performed outside the dayshift hours. Dayshift hours shall be designated by the Sheriff and Director of Public Safety.

2. **Examples:**

- a. Corrections Officers who work the scheduled dayshift currently designated by the Sheriff as 7am – 3pm (0700-1500 hrs) and Corrections Sergeants who work the scheduled dayshift currently designated by the Sheriff as 6am – 4pm (0600-1600 hrs) are not entitled to the shift differential for work during those hours.

- b. Corrections Officers actually working the 3pm to 11pm or 11pm to 7am shifts as currently designated by the Sheriff are entitled to the shift differential.
  - c. Corrections Sergeants actually working after 4pm or before 6am are entitled to the shift differential.
  - d. A Corrections Officer or Corrections Sergeant regularly scheduled to work the dayshift that actually works overtime outside the dayshift hours shall be entitled to the shift differential for all hours actually worked outside the dayshift hours.
  - e. Corrections Officers and Sergeants are not entitled to the shift differential for non-dayshift hours for leave purposes. For example, a Corrections Officer using his leave accruals for his regularly scheduled non-dayshift, shall not receive shift differential included in their leave pay.
  - f. Court Security employees only work a dayshift, the hours of which are designated by the Sheriff, and are not entitled to a shift differential.
3. There shall be no retroactive pay to either party for payments made or not made following ratification of the Agreement and execution of this MOA.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**COUNTY OF STEUBEN**

**CSEA**

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

**Vote: Roll Call – Adopted.**

*Motion to adjourn made by Mr. Schu, seconded by Mr. Mullen and duly carried.*